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March 3, 2023

VIA ECF

Justice Katherine Polk Failla  
United States District Court for the Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Courthouse  
New York, NY 10007

**MEMO ENDORSED**

**Re: Arnov Sandwich, Inc., et al. V. CNA Financial Corp., et al.**  
Docket No. 1:21-cv-08690-KPF

Dear Justice Failla:

The undersigned represents Transportation Insurance Company (“Transportation”) in the above-referenced matter. Transportation submits this letter to provide a status update to the Court regarding its pending Motion to Dismiss or in the Alternative to Compel. Consistent with the parties’ agreement, Plaintiffs have provided revised responses to Transportation’s Requests for Production of Documents. Transportation believes that its pending motion is now moot.

Transportation is now in a position to depose Plaintiffs. The parties have scheduled the depositions of Roy Dulal and a corporate designee of Arnov Sandwich, Inc. to take place on March 21 and March 22, 2023. Transportation requests that the Court extend the current discovery deadlines until at least April 30, 2023 to provide Transportation with the opportunity to conduct any additional discovery which may become necessary after the conclusion of those depositions.

Respectfully submitted,

*s/ Melissa A. Cornibe*  
Melissa A. Cornibe  
Janet J. Lee  
*Counsel for Defendant,*  
*Transportation Insurance Company*

cc: Kevin Tung, Esq., via ECF

Application GRANTED. The parties' deadline to complete fact discovery is hereby ADJOURNED to **May 5, 2023**, and the post-fact conference currently scheduled for March 17, 2023, is hereby ADJOURNED to **May 18, 2023, at 11:00 a.m.**

Further, in light of the above, Defendants' motion to dismiss or, in the alternative, compel Plaintiffs' discovery responses, dated January 6, 2023, is hereby DENIED on mootness grounds without prejudice to its refiling. (Dkt. #56).

The Clerk of Court is directed to terminate the pending motion at docket number 56.

Dated: March 3, 2023

New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE